

Part One: About Re-contracting

Section One: General Information

1. Introduction

1.1 Purpose

The purpose of these instructions is to provide directions for submission of Right of First Selection (RFS) Wisconsin Works (W-2) and Related Programs Plans, for the period of January 1, 2006, through December 31, 2009.

Instructions for Re-contracting for the Balance of State (BOS) W-2 Agencies [i.e. W-2 and Related Programs Agencies in the Wisconsin areas outside Milwaukee County] that have earned RFS are covered in these Instructions.

There are three other types of W-2 Contract Agencies:

- Milwaukee W-2 Case Management Agencies (CMA) [i.e. W-2 and Related Programs CMA in Milwaukee County];
- Milwaukee W-2 Job Development and Placement Agencies (JDPA) [i.e. W-2 and Related Programs JDPA in Milwaukee County]; and
- Milwaukee Supplemental Security Income (SSI) Advocacy Agency [i.e. SSI/Social Security Disability Insurance (SSDI) Advocacy Agency in Milwaukee County for W-2 and Related Programs].

All four types of agencies are collectively referred to as W-2 Contract Agencies.

W-2 and Related Programs are a comprehensive array of employment and training services including job development and placement; job retention; eligibility determinations for child care; W-2 case management; FoodShare Employment and Training (FSET); Job Access Loans (JALs); Refugee Cash Assistance (RCA); Refugee Medical Assistance (RMA); Emergency Assistance (EA); and the optional programs of Children First and Contracted Child Care.

Any changes to the Re-contracting Instructions, including items that are pending in the Wisconsin Biennial Budget Act, will be issued in an Administrator's Memo.

1.2 W-2 Overview

W-2, from its inception, has been designed to assist eligible individuals in connecting to the workforce. The premise of W-2 is that individuals and their families can best achieve self-sufficiency through employment. The fifth W-2 RFP has been released to solicit bids to operate the W-2 program in Wisconsin. Over time, the program has evolved in response to DWD monitoring, W-2 Agency experience and sharing best practices, W-2 Agency challenges and Legislative Audit Bureau (LAB) audits. In the early years of the program, a great deal of discretion was delegated to W-2 Agencies. As the program has matured, W-2 has become more closely

focused on strategies that effectively connect low income individuals to the workforce. The Department provided its most recent guidance in this area through Administrator's Memo 04-16 in July of 2004 – Policy Priorities and Strategies for Achieving W-2 Employment Goals. In addition, experience in operating W-2 has shown what safeguards need to be in place to assure the effective and efficient expenditure of public funds.

The focus of this Re-contracting is on:

- Assisting program participants in making what might be their initial connection to employment;
- Ensuring that participants strengthen connections to employment and career ladders;
- Providing employment stabilization services that ensure employment retention and rapid reattachment; and
- Providing assistance in obtaining SSI/SSDI for those participants with multiple and severe barriers to employment.

The Department encourages programs funded under this Re-contracting to provide services that are strengths-based, family-centered and respectful of participants' interests and goals. The program must also focus on ensuring that participants work cooperatively with W-2 Contract Agency staff to participate in appropriately assigned activities. This focus will identify and build on the strengths and skills of individuals and families and ensure agency and participant accountability that results in successful outcomes for families.

This Re-contracting builds on the program focus and monitoring efforts, initiated by the Department, and strengthens the following program and financial management aspects of W-2 in important ways.

Improved Financial Management:

- New performance incentives that require large W-2 Contract Agencies to earn twenty percent (20%) of their administrative and service contract amount through W-2 Program outcomes;
- Increased management and financial accountability expectations for W-2 Contract Agencies in the areas of financial reporting requirements, cost reimbursement controls, oversight over additional costs, such as promotional expenses, telecommunication, executive compensation, costs for legal services and rent;
- Increased emphasis on efficient provision of services through the encouragement of the expansion of consortia for geographic areas with few W-2 paid and unpaid, FSET and child care only participants; and,
- Extension of the length of the W-2 and Related Programs Contract from two (2) to four (4) years to promote stability, stretch administrative funds and strengthen Partnerships in the Wisconsin Job Center Network.

Improved Programming:

- New Performance Standards to clearly reinforce the program objective of connecting individuals to the workforce;

- New performance expectations that W-2 Contracts may be terminated for failure to meet agreed upon expectations after each year;
- Increased emphasis on connecting to local employers to expand job opportunities for W-2 job seekers and the availability of short-term customized training to make W-2 job seekers more job ready for employers;
- Increased attention to job retention strategies to assure that when W-2 job seekers find a job they are able to keep a job or become quickly re-employed if they lose the first job;
- New requirements to integrate service delivery methods with other workforce development programs and providers such as the Workforce Investment Act (WIA), Vocational Rehabilitation and the technical college system, other family support systems such as Child Welfare and strong connections to crucial supports for W-2 participants such as child support, child care, FoodShare, Medicaid; and,
- Increased emphasis to provide workforce connection services in conjunction with the state's Job Centers including close cooperation with the area WDB.

Milwaukee Programming:

- Increased focus on establishing effective attachments to the workforce through stronger connections with employers through the use of a JDPA;
- Increased focus on the provision of effective case management services through specialized CMAs;
- Increased focus on expeditiously assisting people who are presumptively eligible for SSI/SSDI benefits through a specialized SSI/SSDI Advocacy Agency;
- Creation of a Preferred Provider registry to be used by Milwaukee W-2 Contract Agencies for specialized assessment, treatment and counseling services that will assure quality service, cost savings and community involvement; and,
- Creation of an "Ombudsperson" at DWD to support W-2 applicants and participants in rapidly addressing their needs and concerns with W-2 Contract Agencies.

1.3 W-2 and Related Programs Policies and Procedures

These instructions, the W-2 and Related Programs Contracts (hereinafter referred to as the Contract), and the Department's policies and procedures define the program requirements.

The Department's policies and procedures for W-2 and Related Programs can be accessed through the following web links:

[Wisconsin Statutes](#)

[Wisconsin Administrative Code](#)

[Wisconsin Works \(W-2\) Food Stamp Employment and Training Manual](#)

W-2 Program Manual at:

http://www.dwd.state.wi.us/dws/manuals/w-2_manual/first_page.htm

W-2 Administrative (Policy) Memo's at:

<http://www.dwd.state.wi.us/dws/adminmemos/default.htm>

W-2 Operations (Policy) Memo's at:

<http://www.dhfs.wisconsin.gov/em/ops-memos/>

A Reference Version Contract is attached (Appendix H). The provisions of the Contract will be finalized by the Department prior to issuance for agency signature.

The Department of Health and Family Services (DHFS) administers Medicaid and FoodShare. Please refer to DHFS for information relating to those programs.

In accordance with Wisconsin's combined application processing system for W-2, FoodShare, Medicaid and Child Care, the W-2 Contract Agencies must provide the opportunity to initiate the application process for Medicaid and FoodShare in order to establish an application filing date.

The Department's financial policies for contracts and grants can be found at http://dwd.wisconsin.gov/dws/grants_contracts/default.htm.

The civil rights requirements for contracts and grants can be found at http://www.dwd.state.wi.us/dws/civil_rights/default.htm.

2. Responding to the Re-contracting Instructions

The following information is provided to assist RFS Agencies in preparing an RFS W-2 and Related Programs Plan.

2.1 Length of Contract

To promote program stability and realize savings in administrative costs, the duration of this W-2 and Related Programs Contract is for a four (4) year period. The Contract Period is January 1, 2006, through December 31, 2009, and is referred to in these instructions as the 2006-09 W-2 Contract.

The Department shall continually review the W-2 Contract Agency's performance annually. The purpose of the review shall be to determine if the agency is meeting the Performance Standards and whether the Department shall take an action under Contract Sections 16 (on-site visits), 17 (contract compliance, monitoring and corrective action), 18 (failure penalty) or 20 (termination) or any other provision of the Contract. Contracts of W-2 Contract Agencies who do not meet the annual performance review benchmarks may be terminated.

2.2 Funding Availability

Although the Contract is for a four (4) year period, funding is provided by the Legislature on a two (2) year cycle. Information on funding allocations for the 2006-07 period of the W-2 Contract is contained in Appendix A of these Instructions. These allocations reflect preliminary funding levels and are subject to change based on passage of the State Biennial Budget. Funding will be closed out at the end of the second and fourth years of the Contract,

in accordance with the Department's financial close-out process. [See Section 26 of the Reference Contract (see Appendix H)].

2.3 Incentive Based Contracts

W-2 Contract Agencies whose Community Service Jobs (CSJ) caseload reaches fifty (50) or more for three (3) consecutive months will be subject to Incentive Based Contracts. In an Incentive Based Contract twenty percent (20%) of the administration and services funding must be earned through achieving specific program outcomes. Specific outcomes include Job Entry Rate, Success in the Workforce and SSI/SSDI Approval Rates. The twenty percent (20%) is reimbursement of allowable costs released when program outcomes are met.

2.4 Performance Standards

W-2 Contract Agencies are required to meet the Performance Standards, related policies and other accountability standards for the 2006-09 W-2 Contract. The Department will determine Performance Standards for each W-2 Contract Agency giving consideration to geographic, economic and demographic variations. The Performance Standards and related policies and information can be found in Appendix B of these Instructions.

2.5 W-2 Geographic Areas

Except for federally recognized American Indian reservations and Milwaukee County, each W-2 Contract Agency's geographic area must include one or more counties.

For allocation purposes, for the CMA and JDPA, Milwaukee County will have five (5) W-2 geographic areas. A map of the Milwaukee Regions is provided in Appendix C of these Instructions.

2.6 W-2 Geographic Areas Open for Competition under the RFP

The Request for Proposals (RFP), issued on June 24, 2005, covers all geographic areas for which proposer agencies may submit competitive proposals. See Appendix D of these instructions for the geographic areas that are open for competition.

Information will be provided during the RFP process identifying additional W-2 geographic areas available for competition under the RFP.

2.7 Right of First Selection (RFS)

Some items related to the RFP are included in these instructions for reference by RFS Agencies.

To be awarded a 2006-09 W-2 and Related Programs Contract, RFS W-2 Contract Agencies must respond to the Department's Re-contracting instructions with an RFS W-2 and Related Programs Plan which is determined to be acceptable by the Department.

Agencies awarded a W-2 Contract for the period of January 1, 2006, through December 31, 2009, have the opportunity of earning RFS for the Contract Period beginning January 1, 2010, by achieving the Department's Performance Standards for the 2006-09 Contract. The W-2 Contract Agency's progress in meeting Performance Standards will be measured

annually. RFS will be determined based on performance through 2008, the end of the third year of the Contract.

2.8 Letter of Intent to Contract or Relinquish RFS by RFS Agencies

An Agency that earned RFS must submit to the Department a Letter of Intent to recontract or to relinquish its RFS by the date in the Anticipated Timetable (see Part One, Section One, 3, Anticipated Timetable).

A written Letter of Intent must be provided on the official letterhead of the W-2 Contract Agency or on the Departmental issued form (Letter of Intent sent to W-2 Contract Agencies separately). The written request must be signed by the W-2 Contract Agency's authorized representative and sent to Mary Tremain (see address information on the page immediately following the RFP cover page).

In the event that one or more agencies relinquish their RFS, Appendix D of the RFP will be updated to add geographic areas open for competition.

2.9 Who May Complete RFS Plans

2.9.1 Eligible Entities

Entities eligible to submit RFS Plans under these instructions are W-2 agencies that earned RFS during the 2004-2005 W-2 Contract Period.

2.9.2 Consortia

For W-2 and Related Programs, a W-2 consortium is a combination of W-2 geographic areas in the same Workforce Development Area (WDA). A listing of the WDAs is provided in Appendix E of these Instructions.

The Department encourages the formation of consortia. Advantages of operating W-2 and Related Programs as a consortium may include economies of scale and enhanced ability to respond to changes in caseloads. A consortium also has flexibility among and between allocations for the consortium's geographic areas and a combined base for the determination of performance. In promoting consortia throughout the State, the Department encourages W-2 Contract Agencies to include geographic areas with a small combined caseload into a new larger W-2 Contract Agency.

A consortium RFS Plan may be submitted by a single entity (such as a private entity or a governmental agency) or by two or more agencies combining their efforts. If more than one entity/agency works together as partners, one must be designated as the Lead Agency. The Lead Agency will be the single point of contact between the consortium and the Department and will be accountable for the operation of the consortium. The submission of any consortium RFS Plan must be made by the Lead Agency. The combined W-2 geographic areas of the consortium will be treated as a single W-2 Contract Agency.

An RFS agency may voluntarily agree to form a consortium with other RFS agencies within a WDA. Agencies with total caseloads

(W-2 paid, W-2 unpaid, FSET and Child Care) of less than 100 cases are strongly encouraged to form a consortium or to become part of a consortium that comprises a total caseload of at least 250 cases. Caseload data from May 2005 should be utilized for this purpose (see Appendix F).

An RFS agency, acting as the Lead Agency, requesting formation of a new consortium that includes one or more RFS geographic area(s) must complete the Request for Consortium Formation form (Form 1B). In addition, the Lead Agency must attach letters of support from authorized representatives of the other RFS area(s). An RFS Lead Agency submitting an RFS Plan for an existing consortium is not required to complete Form 1B or obtain letters of support from the other RFS area(s) in the consortium.

2.10 Integration of Services into Job Centers and the Public Workforce System

The full integration of W-2 and Related Programs in the Job Center System, and integration with employment and training services is required. The Department also requires W-2 Contract Agencies to work with other service providers, such as the Child Welfare Agency, providers of Domestic Violence Services and Housing Agencies, when families are working with multiple service providers. Service integration is intended to ensure that W-2 Contract Agencies and other service providers are working together with families in common to identify services and develop plans that are consistent and effectively assist the family to address the needs of the family and move toward self-sufficiency. This may be accomplished through a variety of co-case management strategies with families involved in multiple programs.

2.10.1 Service Integration and the Public Workforce System

For all W-2 Contract Agencies, the Department requires demonstrating integration of services by the W-2 Contract Agency with:

a) Job Center System:

- Including co-location of W-2 employment and training services/staff where a Job Center exists in the W-2 geographic area; and
- Network of affiliated sites maintained by the W-2 Contract Agency when necessary for better geographic coverage.

b) Employment and Training Services:

- WIA Programs, including Youth, Adult and Dislocated Work Programs administered by the WDB, including but not limited to co-enrollment and co-case management;
- Adult job training administered by the Technical Colleges; and
- Vocational rehabilitation administered by the Department's Division of Vocational Rehabilitation (DVR).

The demonstration of service integration must include the W-2 Contract Agency's plan and timeline throughout the 2006-2009 W-2 Contract Period for planning and working together with the service providers listed above.

2.10.2 Service Integration with other Workforce Support Service Providers

W-2 Contract Agencies are required to demonstrate integrated services with other service providers such as housing agencies, corrections, providers of services to victims of domestic violence, County and/or Tribal Social/Human Services programs, including FoodShare, Medicaid, Child Support and Child Care administration that provide additional support focused on ensuring success in the workforce.

The demonstration of service integration must include the W-2 Contract Agency's plan and timeline throughout the Contract Period for working together with the service providers listed above.

2.11 Service Integration and Child Welfare

W-2 Contract Agencies must demonstrate integration of services with the local Child Welfare Agency for families receiving services from both programs. Integrated services may include, but are not limited to, sharing common assessment information, joint planning, and coordinating referrals to Alcohol and other Drug Abuse (AODA), Mental Health and other services providers.

The demonstration of service integration must include the W-2 Contract Agency's plan and timeline throughout the Contract Period for working together with the service providers listed above.

2.12 Workforce Development Board Involvement

Workforce Development Boards (WDB) play a leadership role in establishing the workforce development area vision and goals. As a mandatory one-stop partner, W-2 Contract Agencies must work cooperatively with the area WDB to ensure agency proposals and plans are consistent with the system-wide strategic goals set by the WDB.

To facilitate workforce program coordination, agencies selected to administer W-2 and Related Programs and RFS Agencies must work cooperatively with the WDB to finalize planning for the implementation and operation of W-2 and Related Programs.

RFS Agencies must demonstrate that the area WDB was involved in the development of the W-2 and Related Programs Plan submitted as their response to these Instructions. W-2 Contract Agencies must also demonstrate a commitment to continue to work cooperatively with the area WDB. The area WDB must review and approve the W-2 and Related Programs Plan in accordance with Form 12 of these Instructions which must be included with the RFS Plan. If the WDB withholds its approval, the W-2 Contract Agency may seek resolution from the DWS Division Administrator.

2.13 How to Apply

To submit an RFS Plan under these Instructions, an RFS Agency must complete a W-2 and Related Programs Plan, which consists of the Re-contracting Response Items for three sections:

- Management and Financial Accountability;
- Program Plan for BOS; and
- Budget and Expenditure/Participant Service Level Plan.

Where applicable, each main point in the Response Items will be comprised of the following components:

Summary:

This is a general description of the requirements. Department policies provide more detailed information about requirements. These summary items and program policies are also contract terms and conditions.

Response Items:

This is a list of items to which the RFS Agency must respond. The responses are required to assess the quality of the agency's plan to provide quality services to applicants and participants and management and financial accountability for the administration of W-2 and Related Programs.

The RFS Agency must complete all required Response Items and attach all required documents provided as forms to these Instructions.

The Department may require changes prior to approving the RFS Plan as the W-2 and Related Programs Plan.

3. Anticipated Timetable

Listed below are specific and estimated dates and times of actions related to the RFS Re-contracting. The actions with specific dates must be completed as indicated unless otherwise changed by the Department. In the event that the Department finds it necessary to change any of the specific dates and times in the calendar of events listed below, it will do so by issuing an Administrator's Memo.

<u>Item/Activity</u>	<u>Date</u>
a) Announce final RFS Agencies.....	June 14, 2005
b) Issue Notification to RFS Agencies seeking a Letter of Intent to contract.....	June 15, 2005
c) Re-contracting Instructions Issued to RFS Agencies	July 1, 2005
d) Proposer Agency Conference and RFS Re-contracting Meetings	
BOS Proposer/RFS Re-contracting.....	July 6, 2005*
Milwaukee Proposers	July 7, 2005*
e) RFS Agencies Letter of Intent to Recontract or to Relinquish RFS Due.....	July 25, 2005

f) RFS Agency W-2 and Related Plans Due.....	September 15, 2005*
g) Contracts Issued by DWS	October 28, 2005
h) Contract Effective Date	January 1, 2006

* Estimated

4. Procurement

The Department will conduct the procurement process for the RFP in accordance with the federal regulations contained in 42 CFR 434.10, 45 CFR 95.613, and 45 CFR 74. The process for selecting W-2 Contract Agencies under the RFP is exempted from Section 16.75(1) to (5), 16.705, 16.72(2)(e), (f) and (5), Wisconsin Statutes.

4.1 Contact Point and Clarification of Specifications and Requirements

All questions regarding the Re-contracting process under these Instructions shall be submitted to Mary Tremain (see address information on the page immediately following the cover page).

RFS Agencies may submit technical and contractual questions raised by these Instructions in writing or by electronic transmission to the Department at the address given in the Announcement letter. For purposes of this provision, e-mail and fax also qualify as "in writing".

Be sure to reference the Re-contracting page number, part, section and subsection for each question submitted. Make questions as specific as possible and offer proposed solutions to perceived problems. The Department reserves the right to determine whether or not to respond.

4.2 Electronic Communications

Addenda to the RFP will be issued on the RFP website at:
<http://www.dwd.state.wi.us/dws/w2/rfp/2006-2009/default.htm>.

All clarifications to the RFP will be published on the above website. This website is the official source for additional information.

Questions and answers on Re-contracting will be published on the RFS Re-contracting website at:

<http://dwd.wisconsin.gov/dws/w2/rfs/20062009/default.htm>

It is an RFS Agency's responsibility to read the materials posted on this website, including all questions and answers posted as clarifications to the Re-contracting Instructions.

4.3 Proposer/Re-contracting Conferences

The following conferences will be held in order to respond to questions and to provide any needed additional instruction:

- BOS Proposer/RFS Re-contracting - July 6, 2005
- Milwaukee Proposers - July 7, 2005

Additional details on these conferences will be available on
<http://www.dwd.state.wi.us/dws/w2/rfp/2006-2009/default.htm>

The Department recommends that all proposer agencies attend the entire Proposer Agency conference that pertains to its proposal(s). RFS Agencies are encouraged to attend as well for responses to Re-contracting instructions.

4.4 RFS Plan Organization and Submission Requirements

4.4.1 General Instructions

The review of RFS Plans and the ensuing contract will be based on the information submitted in the RFS Agency's Plan. Failure to respond to each of the requirements in the Re-contracting Instructions may be the basis for rejecting an RFS Plan.

Elaborate RFS Plans (e.g., expensive artwork) beyond that sufficient to present a complete and effective plan, are neither necessary nor desired.

4.4.2 Submission of RFS Plans

RFS Plans must be delivered to the Department of Workforce Development, 201 East Washington Avenue, Madison, Wisconsin 53707-7972.

RFS Plans submitted, in whole or in part, by FAX or e-mail will be rejected. Late RFS Plans will be rejected.

RFS Plans must be prepared in accordance with the requirements set forth in these instructions. An RFS Plan must be submitted for each area the RFS Agency is planning to administer. An area may be a W-2 geographic area or a consortium.

BOS:

- If submitting an RFS Plan to administer W-2 in two different WDAs, a separate RFS Plan for each WDA is required.
- If planning to administer W-2 in more than one W-2 geographic area in the same WDA, the RFS Agency is encouraged to submit a consortium RFS Plan.
- An RFS Plan for a consortium must be submitted by the Lead Agency for the consortium.

The original and **five** (5) copies [six (6) total sets] of the RFS Plan for each area, under cover in one package, must be received by the Department by the dates and times listed in the timetable (see Part One, Section One, 3, Anticipated Timetable). The original must be clearly identified as the original.

RFS Agencies mailing their RFS Plan or using a commercial delivery service must allow sufficient time for delivery of their plans by the time specified. RFS Plans received after that time will not be considered and will be returned unopened.

All RFS Plans must be date and time-stamped by the Department by the stated time. RFS Plans not so stamped will not be accepted. Receipt of an RFS Plan by the Department mail system does not constitute receipt of an RFS Plan for purposes of these instructions.

The outside cover of the package containing the RFS Plan is to be marked:

RFS PLAN TO ADMINISTER WISCONSIN WORKS

DWD-ME-2049

RFS Agency's Name and Address

RFS Agency's Contact name, address
and phone number

Geographic Area (s)

RFS Plan Due Date

4.4.3 RFS Plan Organization and Format

4.4.3.1 RFS Plans must be typewritten and submitted on plain 8.5 by 11 inch white paper bound securely. The original and copies of the RFS Plan must be bound securely. The Department requires that RFS Plans be printed two sided to reduce waste and the costs associated with freight and storage. The maximum number of pages for a W-2 and Related Programs plan including Management and Financial Accountability and the Program Plan and all attachments is two hundred fifty (250) pages. The minimum font size is ten (10) points. The financial statements required under these instructions, Part Two, Section One, 1.16, are a separate submittal and are not included as part of the two hundred fifty (250) page limit.

The RFS Agency's name must appear on each page of the RFS Plan. Each page must be numbered.

RFS Plans are to be organized with the Response Items headings, subheadings and alpha and numeric delineations in the same order and sequence as these instructions. Each heading and subheading should be separated by tabs or otherwise clearly marked. The responses are to be numbered/lettered exactly as they are in these instructions. The Response Items that must be submitted (unless identified in the Response Items of these instructions as optional) are:

- Section One: Management and Financial Accountability, Response Items;
- Section Two: Program Plan for BOS; and
- Section Three: Budget and Expenditure/Participant Service Level Plan.

4.4.3.2 Failure by an RFS Agency to meet Re-contracting requirements, in whole or in part may result in the rejection of the RFS Plan at the sole discretion of the Department.

4.5 Deviations and Exceptions

Deviations and exceptions from the Re-contracting instructions, terms, conditions, or specifications may be considered but not necessarily agreed to by the Department, provided they are described fully, on the RFS Agency's letterhead, signed, and attached to the RFS Plan. In the absence of any deviation and exception approved by the Department, the RFS Plan shall be accepted in strict compliance with all terms, conditions, and specifications and the RFS Agency shall be held liable.

4.6 Withdrawal of an RFS Plan

RFS Plans may be withdrawn by written request. RFS Plans may be withdrawn in person by the RFS Agency or the authorized representative, providing that his/her identity is made known and he/she signs a receipt for the RFS Plan.

4.7 Incurring Costs

Time and other costs of preparing an RFS Plan are allowable W-2 and Related Programs Contract expenses, as this action is required by the Department.

4.8 News Releases

Reference to or use of the State of Wisconsin, any of its departments, agencies or other subunits, or any state official or employee for commercial promotion is prohibited. News releases initiated by the RFS Agency pertaining to this procurement shall not be made without prior approval of the Administrator of DWS. Release of broadcast e-mails pertaining to the Re-contracting process shall not be made without prior written authorization of DWS.

4.9 Proprietary Information

Any restrictions on the use of data or other information contained within an RFS Plan must be clearly stated in the RFS Plan itself. Proprietary information submitted in response to a request will be handled in accordance with applicable State of Wisconsin procurement regulations and the Wisconsin public records law. Proprietary restrictions normally are not accepted. However, when accepted, it is the RFS Agency's responsibility to defend the determination in the event of an appeal or litigation.

Data contained in an RFS Plan, all documentation provided therein, and innovations developed as a result of the contracted commodities or services cannot be copyrighted or patented. All data, documentation, and innovations become the property of the State of Wisconsin.

Any material submitted by the RFS Agency in response to these instructions that the RFS Agency considers confidential and proprietary information and which qualifies as a trade secret, as provided in section 19.36(5) of the Wisconsin Statutes, or material which can be kept confidential under the Wisconsin public records law, must be identified on the Designation of Confidential and Proprietary Information (Form 5) of these Instructions (see Part 2, Section 1.16). Cost proposal prices cannot be held confidential.

5. Selection and Award Process

5.1 Preliminary RFS Plan Review

The RFS Plans will first be reviewed to determine if minimum submission requirements are met. Minimum submission requirements include factors such as timely submittal, signature requirements, completion of the RFS Plan Sections and Forms, submission of audit data, and submission requirements for consortium RFS Plans.

5.2 Detailed RFS Plan Review

RFS Plans will be reviewed by teams and modifications will be requested in accordance with the review findings. Proposed budgets will be compared to the Program Plan and evaluated for reasonability and correlation to planned services and participant service and projected outcome levels.

5.3 Awards and Final Offers

The Department reserves the right to accept or reject any or all RFS Plans, to waive any technicality in any RFS Plan submitted, and to accept any part of an RFS Plan as deemed to be in the best interests of the State of Wisconsin.

The Department Secretary shall make the final decision on the contract award for each W-2 Contract Agency. The Department reserves the right to reject any or all RFS Plans and adjust the terms of an RFS Plan, including the award amount and W-2 and Related Program activities, with an RFS Agency prior to entering into a contract. If contracting cannot be concluded successfully with the RFS Agency, the Department may contract with a successful proposer under the RFP, or, the Department may, at its option, if it is in the best interest of the Department and geographic area to be served, contract with an Agency selected under the RFP or an RFS agency to provide services for an open geographic area.

If no acceptable provider in a geographic area is selected, the Department will administer or arrange for the administration of the W-2 program for that geographic area.

If, for any reason, a contract is terminated at any time during the Contract Period, the Department reserves the right to contract for the balance of the Contract Period with any acceptable proposer that has met the minimum RFP response standards, or with any existing contractor serving another geographic area.

If the RFS Agency wishes to resolve any dispute arising out of the Re-contracting process it may use the complaint process described in section 54 (Disputes) of the Reference Version Contract.

5.4 Notice of Intent to Award

All RFS Agencies who respond to these instructions will be notified in writing of the Department's intent to award the contract(s) as a result of these instructions and the RFP. The Notice of Intent to Award Contracts will be mailed to the contact named on each RFS Plan.

5.5 Required Pre-contract Phone Conference

Any RFS Agency that receives a Notice of Intent to Award Contracts (or authorized designees) will be required to participate in a pre-contract phone conference with the Department. The purpose of this conference will be to review W-2 Contract Agency opportunities and obligations under the Contract and answer questions prior to final signing of the Contracts. The Department will issue instructions and draft the agenda for the phone conference. The Department reserves the right to withdraw any Notice of Intent to Award Contracts for failure to participate in this phone conference.

W-2 Contract Agencies may be excused from this requirement through prior arrangement with the DWS Administrator. The Department also recognizes uncontrollable factors such as sudden illness, family emergencies, and natural disasters may cause an agency to miss the phone conference even though the agency had every intention of participating. In such occurrences, the Department will not unreasonably apply the failure to participate provision of this Section.

Due to conference call capacity limitations, no more than one representative per W-2 Contract Agency may call in to the conference. (Note: Any number of representatives may participate if the W-2 Contract Agency can make a group connection to the Department's conference line.)

5.6 Public Records Access

It is the intention of the Department to maintain an open and public process in the solicitation, submission, review, and approval of procurement activities. However, for purposes of the RFP, there will be no public inspection prior to issuance of the Notice of Intent to Award the Contract.